

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on January 14, 1999 at
3:00 P.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Arnie Mohl, Chairman (R)
Sen. Ric Holden, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. John Hertel (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Glenn Roush (D)
Sen. Debbie Shea (D)
Sen. Spook Stang (D)
Sen. Daryl Toews (R)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Phoebe Olson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 78 SB 94 SB 122, 1/12/1999
Executive Action: SB 57 SB 47 SB 122

HEARING ON SB 78

Sponsor: SENATOR BARRY "SPOOK" STANG

Proponents:

Tim Reardon, Montana Department of Transportation
Eric Griffin, Lewis and Clark County
Mike Griffeth, Lewis and Clark County

Opponents: None

Opening Statement by Sponsor:

SENATOR BARRY "SPOOK" STANG, SD 36 ST. Regis, said that SB 78 required the Transportation Commission to establish a transition speed zone. He believed that this was necessary for rural towns that highways go through. He gave some examples of small towns that were having problems. He said that if the bill needed amending he was willing to work on it.

Proponents' Testimony:

Tim Reardon, MDT, said that they were in support of the bill. He said he served as the legal advisor to the Transportation Commission. He believed that the Department could come up with a process where by if the speed is 55 or 65 they could start slowing cars down by signing it out a certain distance. He thought it presented a much safer opportunity for the driver as well as the people in the communities. He said that there was some fiscal impact because of the signing, but the Department did not have a problem with that. He believed that this was a good bill for motorists to give them some notice when they were coming into a community and that they were in support of it.

Eric Griffin, Lewis and Clark County Public Works Director, stated he believed this was a good bill and stood in support of it.

Mike Griffith, County Commissioner Lewis and Clark County, said they too believed that SB 78 was a good bill. He stated that Lewis and Clark County, The Montana Association of Counties, and The Montana Association of Counties Transportation Committee all went on record in support of the bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR ARNIE MOHL, asked **SENATOR STANG** which type of roads he was talking about.

SENATOR STANG, said that Tim Reardon could answer that.

Tim Reardon, said that as the bill was written it was an amendment to Section 309 - Special Speed Zones for Urban Districts. So there would be no Interstates involved.

SENATOR TOWES, replied he understood that there was a group of people at the Department that were supposed to be doing this kind of work already.

Tim Reardon, said that the Transportation Commission set the limits based on engineering studies done by the Department when they were requested.

SENATOR TOWES, said if that was the case and this bill passed, he believed the Department would be double funded.

Tim Reardon, commented that this bill was talking about a special speed zone. He said there was no special warning signs on the road now. The fiscal note covered the cost of putting signs on the road that said 35 mile an hour speed limit ahead or something of that nature.

SENATOR TOWES, stated that Tim Reardon said they were already putting those signs out.

Tim Reardon, said there were two instances he was referring to where the commission had put warning signs on the road.

SENATOR GLEN ROUSH, replied as a point of information that in line 17, page 1 of the bill, it talks about conducting studies at the request of local governments. Then on line 21 it says at their own expense to hire an engineering and traffic investigation. He wondered if it could be explained why, for a reduced speed limit, two studies were needed.

Tim Reardon, answered there were not two studies. Local government had suggested that they would fund their own studies and bring them before a panel.

SENATOR ROUSH, said that the way he read it, it looked like a duplication of services.

SENATOR MOHL, asked, if this was already in law, why another bill was needed.

SENATOR STANG, said the change that was being made was on page 2, line 10 where it said if the commission establishes a special speed zone under this section that includes an urban district, the commission shall also include in it's determination a transitions advance at the start of the special speed zone.

SENATOR REINY JABS, replied sometimes signs that said "speed zone ahead" were seen. He wondered if this would be an acceptable indication.

SENATOR STANG, said that in his opinion it would be.

SENATOR RIC HOLDEN, asked if a speed limit was enacted in this session would this bill be necessary.

SENATOR STANG, said he thought it would still work. That way people would still be slowing down from 75 miles an hour.

SENATOR HOLDEN, said to ask the people for \$270,000 dollars to sign that there are speed zones ahead, seemed like a lot of money.

SENATOR STANG, stated that putting up signs cost money. He said that the citizens in his district had requested this bill and he didn't think they would mind paying for it. He hoped that maybe the Department could cover it in their current budget.

SENATOR MACK COLE, asked Col. Reap what the policy was when there was no sign to reduce speed beforehand. How was it handled.

Col. Reap, commented that there was a lot of common sense used. He said that generally speaking, most officers would allow the vehicle a reasonable distance within that reduced speed limit to comply with that reduced speed limit.

SENATOR COLE, asked if the lower speed limit signs were moved back, would that solve the problem?

Col. Reap, said that they did receive complaints that there was only one sign and he didn't believe that moving the signs back would be consistent with the Department of Transportation's data.

Closing by Sponsor:

SENATOR STANG, said that the problem was the people weren't seeing the signs until too late. He hoped that this would alleviate some problems. He believed that spending \$260,000 on safety was not a big price to pay. He was willing to work on reducing the cost if they could. He turned in copies of letters he had received. **EXHIBIT(his10a01)**

HEARING ON SB 94

Sponsor:

SENATOR LINDA NELSON SD, 49, Medicine Lake

Proponents:

Brenda Nordlund, Department of Justice

Opponents: NONE

Opening Statement by Sponsor:

SENATOR LINDA NELSON SD, 49, Medicine Lake , said she was carrying the bill for the Department of Justice. She stated the bill was explained in the title, and the primary purpose of SB 94 was to ensure that those persons to whom the Department of Justice issued drivers licenses, had the ability to safely operate a vehicle on the highway. She explained that an update of present law was required in the light of the increasing complexity of the licensing assessment and evaluation process. She went on that additionally **SB 94** revised the Departments rule making authority in respect to both commercial and noncommercial drivers licenses. She continued that the present law rule making authority was over broad and may not withstand judicial scrutiny. Finally **SB 94** included a variety of administrative amendments that simplified record keeping responsibilities and resolved some ongoing issues with which the Motor Vehicle Division has been struggling.

Proponents' Testimony:

Brenda Nordlund, Department of Justice, handed in written testimony. **EXHIBIT**(his10a02)

{Tape : 1; Side : B; Approx. Time Counter : 345; Comments : The tape was turned over during Brenda Nordlunds' testimony. }

Opponents' Testimony: NONE

Questions from Committee Members and Responses:

SENATOR ARNIE MOHL, said he believed they were talking about strictly disabled people until he read through section 2 and he saw that temporary licenses were being changed from 15 years of age to 16 years of age. He wondered why.

Brenda Nordlund, replied it did not change the requirement for licensure at all with respect to 15 year old drivers who have graduated from traffic education programs. In fact what this did

was say that they would only give a medical or rehabilitation permit to a person who was over 16 years of age.

SENATOR DARYL TOWES, asked why they eliminated the requirement that the Highway Patrol confiscate the drivers license.

Brenda Nordlund, stated that current law required the Highway Patrol to send an officer to obtain a suspended license from a person who had failed to turn it in to the Department of Justice. She said realistically that had not been done in years. She said that the work load did not allow time for this and it was not a priority since they had immediate access through dispatch to the Motor Vehicle drivers licensing system to determine the status of the drivers license.

SENATOR RIC HOLDEN, wanted to make sure there was no language in the bill that required a motor vehicle test be taken every time a license was due for renewal.

Brenda Nordlund, said there was no language to do that. She referred to page 11, lines 14 through 25.

SENATOR HOLDEN, asked for clarification on the words "knowledge-test".

Brenda Nordlund, said she was referring to the written test that applicants were given when they first received a license.

Brenda Nordlund, submitted an amendment to the bill, **EXHIBIT** (his10a03) that allowed a Montanans drivers license to be marked inactive.

SENATOR GLENN ROUSH, wondered if this bill addressed old age drivers.

Brenda Nordlund, referred to page 16, lines 1 and 2. It stated that the rules may not use a persons age, or physical or mental disability limitation or condition as a justification for denial of a license.

SENATOR HOLDEN, asked why on page 9, lines 25 through 28, "farm related service industries" was lined out.

Brenda Nordlund, replied all restrictions and requirements for seasonal commercial drivers licenses were contained in the rules, so she took it out of the statute and put it into the rule making authority.

SENATOR HOLDEN, wondered what the practice was in the case of a 15 year old farm boy driving a beet truck or grain truck.

Anita Drews Opadahl, Bureau Chief, said that in Montana they were exempt if they stayed in Montana and met the 4 conditions of a farmer.

SENATOR HOLDEN, asked if the language on page 14, lines 3 though 5, would continue that same practice.

Anita Drews Opadahl, replied she believed it would.

Brenda Nordlund, said that the farm vehicle exemption was part of the statutory definition of commercial motor vehicle that is contained early in Title 61 and was not a part of this bill.

SENATOR JERGESON, wondered if mentally disability alone could not be used to disqualify a person, or if the driver examiner would have to perform the drivers test before they could determine that the person should not have a drivers license.

Brenda Nordlund, said that in the interview part of the renewal application process, if a medical condition was disclosed they could require a doctor to submit information on a persons status.

SENATOR BARRY "SPOOK" STANG, wondered if it would be possible to determine the cost of requiring people to retake the test but not to pass it.

Dean Roberts, Department of Justice, said there would be nothing wrong with doing that and they could look at it.

Closing by Sponsor:

SENATOR NELSON, left the bill in the committee's capable hands and hoped they would help her with it when it went to the Floor.

HEARING ON SB 122

Sponsor:

SENATOR TOM BECK, SD 28, Deerlodge

Proponents:

Brenda Nordlund, Department of Justice

Opponents: None

Opening Statement by Sponsor:

SENATOR TOM BECK, SD 28, Deerlodge, said that this bill was a repealer to make permanent a third party commercial drivers testing program. He said the program had a sunset date on it for this fall and he believed that since the program was working so well it should be made a permanent part of the statute.

Proponents' Testimony:

Brenda Nordlund, Department of Justice, submitted written testimony. **EXHIBIT(his10a04)**

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR MOHL, asked if this would have a fiscal note with it.

SENATOR BECK, said it did not require a fiscal note. This just took the sunset off the program.

SENATOR GREG JERGESON, commented that in 1995 this program was implemented to help the Department stay within their budget. He said it was a cost saving device.

SENATOR MOHL, said it was a real asset to a trucking company.

SENATOR REINY JABS, asked if there was an additional sunset on this bill or if the program became permanent.

SENATOR BECK, said it made the program permanent.

Closing by Sponsor:

SENATOR BECK, said the program worked and hoped they could remove the sunset to allow the program to continue.

EXECUTIVE ACTION ON SB 57

Motion: SEN. MOHL moved that SB 57 DO PASS.

Motion/Vote: SEN. MOHL moved that SB 57 BE AMENDED. Motion carried 11-0.

SENATOR MACK COLE, said he believed this was necessary to make for a better working relationship with employees. He felt it was a good bill.

Motion/Vote: **SEN. MOHL** moved that **SB 57 DO PASS AS AMENDED.**

Motion carried 11-0.

Motion: **SEN. MOHL** moved **THE COMMITTEE RECONSIDER THEIR ACTION ON SB 47.**

Discussion:

SENATOR COLE, stated he had looked at the bill further and he thought that over and above the savings, he felt this would provide better enforcement and compliance with the safety program and hoped it could pass.

SENATOR JOHN HERTEL, said he had done some more looking into the bill and he found out that weigh stations would not be eliminated by passing this bill.

SENATOR JERGESON, said he had not changed his position. He quoted the old adage "if it's not broken, don't fix it". He was not convinced that the Department of Transportation had identified what was broken in regard to the current system.

SENATOR JABS, asked **SENATOR MOHL** to briefly explain the savings again.

SENATOR MOHL, said the savings would come by eliminating duplication of services.

{Tape : 2; Side : A; Approx. Time Counter : 420; Comments : Switch to tape 2}

SENATOR MOHL, explained how both departments were funded.

SENATOR JERGESON, said that if this additional responsibility could be added to the employees at the department. Maybe they were not busy enough and there were too many employees.

SENATOR COLE, said he was on the interim committee to look at ways to have more money available for construction and maintenance work. He believed that if you could combine many jobs into one you might be more efficient than having two separate employees performing the two different jobs.

SENATOR STANG, said that he, too, was on the interim committee and it was not recommended that the program be moved. He said

that he believed money could be saved by not filling the empty positions at the Department of Transportation. He believed the program had worked well where it was.

SENATOR MOHL, said that there were 15 Highway Patrol vacancies right now. He believed savings could be attained by cutting those positions also.

SENATOR JERGESON, said he was not arguing the vacancies in Gross Vehicle Weight, but he was suggesting if they were able to take on additional tasks that perhaps they weren't fully employed.

Vote: Motion carried 7-4 with **JERGESON, ROUSH SHEA, AND STANG** voting no.

EXECUTIVE ACTION ON SB 47

Motion: SEN. MOHL moved that **SB 47 DO PASS.**

Discussion:

SENATOR TOWES, said he did not think that the fiscal note was right, and it might not be possible to make it right.

SENATOR HOLDEN, stated when one had a piece of legislation like this, both Departments were out to keep their people in place. He said what he did in instances like this was to turn to the customers. He considered **SENATOR SWYSGOOD AND SENATOR MOHL** customers.

SENATOR STANG, added when this was first put with the Highway Patrol, there was compelling testimony in support of it. He did not see the same testimony to remove it. He also stated that **SENATOR MOHL AND SENATOR SWYSGOOD** did not speak for every customer.

SENATOR TOWES, questioned if they had deliberately split the safety between the two entities in 1989.

SENATOR STANG, said he couldn't remember exactly why it was split but at that time when they asked where it should be put, the testimony compelled it to be placed in the Department of Justice.

Connie Erickson, explained that the way it was set up now, the Motor Carrier Services division cooperated with the Highway Patrol. If this bill passed, that would be flip flopped. The split would still exist; it just puts the primary control with the Department of Transportation instead of the Highway Patrol.

SENATOR MOHL, stated he thought the reason there were not many people testifying on the bill was because they really did not care what department the program was in.

SENATOR JABS, said that it wasn't a fair flip flop.

SENATOR MOHL, said you were just switching the authority.

Vote: Motion **carried 7-4 with Jergeson, Roush, Shea, and Stang voting no.**

EXECUTIVE ACTION ON SB 122

Motion/Vote: **SEN. HOLDEN** moved that **SB 122 DO PASS. Motion carried 11-0.**

ADJOURNMENT

Adjournment: 4:50 P.M.

SEN. ARNIE MOHL, Chairman

PHOEBE OLSON, Secretary

AM/PO

EXHIBIT (his10aad)